

INTERNET  
FORM NLRB-501  
(2-08)UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD  
CHARGE AGAINST EMPLOYER

DO NOT WRITE IN THIS SPACE

Case  
19-CA-199094Date Filed  
5-18-2017

## INSTRUCTIONS:

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

## 1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer Leapforce Inc.		b. Tel. No. (925) 730-0073
		c. Cell No.
		f. Fax No.
d. Address (Street, city, state, and ZIP code) 5050 Hopyard Rd Ste 425 CA Pleasanton 94588-3394	e. Employer Representative	g. e-Mail
		h. Number of workers employed 1
i. Type of Establishment (factory, mine, wholesaler, etc.) Technology	j. Identify principal product or service Search engine data	
k. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) 3 of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.		

## 2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

--See additional page--

## 3. Full name of party filing charge (if labor organization, give full name, including local name and number)

(b) (6), (b) (7)(C)

Title:

## 4a. Address (Street and number, city, state, and ZIP code)

(b) (6), (b) (7)(C)

4b. Tel. No. (b) (6), (b) (7)(C)

4c. Cell No.

4d. Fax No.

4e. e-Mail

(b) (6), (b) (7)(C)

## 5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)

## 6. DECLARATION

I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.

By (b) (6), (b) (7)(C)  
(signature of representative or person making charge)Title: (b) (6), (b) (7)(C)  
(Print/type name and title or office, if any)

Tel. No.

(b) (6), (b) (7)(C)

Office, if any, Cell No.

Fax No.

e-Mail

(b) (6), (b) (7)(C)

Address

(b) (6), (b) (7)(C)

05/18/2017 21:41:31  
(date)

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

## PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

## Basis of the Charge

### 8(a)(1)

Within the previous six months, the Employer discharged an employee(s) because the employee(s) engaged in protected concerted activities by, inter alia, discussing wages and/or other terms and conditions of employment and in order to discourage employees from engaging in protected concerted activities.

Name of employee discharged	Approximate date of discharge
(b) (6), (b) (7)(C)	(b) (6), /17

### 8(a)(3)

Within the previous six months, the Employer discharged an employee(s) because the employee(s) engaged in protected concerted activities by, inter alia, protesting terms and conditions of employment and in order to discourage employees from engaging in protected concerted activities.

Name of employee discharged	Approximate date of discharge
(b) (6), (b) (7)(C)	(b) (6), /17

### 8(a)(1)

Within the previous six months, the Employer disciplined or retaliated against an employee(s) because the employee(s) engaged in protected concerted activities by, inter alia, discussing wages, hours, or other terms and conditions of employment and in order to discourage employees from engaging in protected concerted activities.

Name of employee disciplined/retaliated against	Type of discipline/retaliation	Approximate date of discipline/retaliation
(b) (6), (b) (7)(C)	removal from primary project	(b) (6), /17

### 8(a)(3)

Within the previous six months, the Employer disciplined or retaliated against an employee(s) because the employee(s) engaged in protected concerted activities by, inter alia, protesting terms and conditions of employment and in order to discourage employees from engaging in protected concerted activities.

Name of employee disciplined/retaliated against	Type of discipline/retaliation	Approximate date of discipline/retaliation
(b) (6), (b) (7)(C)	removal from primary project	(b) (6), /17

### 8(a)(1)

Within the previous six-months, the Employer has interfered with, restrained, and coerced its employees in the exercise of rights protected by Section 7 of the Act by maintaining work rules that prohibit employees from discussing wages, hours, or other terms or conditions of employment.

10/1/17

10/1/17

10/1/17



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 19  
915 2nd Ave Ste 2948  
Seattle, WA 98174-1006

Agency Website: [www.nlr.gov](http://www.nlr.gov)  
Telephone: (206)220-6300  
Fax: (206)220-6305



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May 19, 2017

DARREN JACKSON, CEO  
LEAPFORCE INC.  
5050 HOPYARD RD STE 425  
PLEASANTON, CA 94588-3394

RE: LEAPFORCE INC.  
CASE 19-CA-199094

DEAR MR. JACKSON:

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

**Investigator:** This charge is being investigated by Field Attorney HELENA A. FIORIANTI whose telephone number is (206) 220-6292. If this Board agent is not available, you may contact Deputy Regional Attorney BRIAN SWEENEY whose telephone number is (206) 220-6327.

**Right to Representation:** You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing Form NLRB-4701, Notice of Appearance. This form is available on our website, [www.nlr.gov](http://www.nlr.gov), or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

**Presentation of Your Evidence:** We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board



agent. Sending us your written account of the facts and a statement of your position is not enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

In addition, either you or your representative must complete the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

We will not honor any request to place limitations on our use of position statements or evidence beyond those prescribed by the Freedom of Information Act and the Federal Records Act. Thus, we will not honor any claim of confidentiality except as provided by Exemption 4 of FOIA, 5 U.S.C. Sec. 552(b)(4), and any material you submit may be introduced as evidence at any hearing before an administrative law judge. We are also required by the Federal Records Act to keep copies of documents gathered in our investigation for some years after a case closes. Further, the Freedom of Information Act may require that we disclose such records in closed cases upon request, unless there is an applicable exemption. Examples of those exemptions are those that protect confidential financial information or personal privacy interests.

**Procedures:** We strongly urge everyone to submit all documents and other materials by E-Filing (not e-mailing) through our website, [www.nlr.gov](http://www.nlr.gov). However, the Agency will continue to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, [www.nlr.gov](http://www.nlr.gov) or from an NLRB office upon your request. NLRB Form 4541 offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in black ink that reads "Ronald K. Hooks". The signature is written in a cursive style with a large, stylized "R" and "H".

RONALD K. HOOKS  
Regional Director

Enclosures:

1. Copy of Charge
2. Commerce Questionnaire

cc: ELIZABETH PARRY, ESQ.  
LITTLER MENDELSON, P.C.  
1255 TREAT BLVD, SUITE 600  
WALNUT CREEK, CA 94597-7605



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 19  
915 2nd Ave Ste 2948  
Seattle, WA 98174-1006

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Telephone: (206)220-6300  
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May 19, 2017

(b) (6), (b) (7)(C)

Re: LEAPFORCE INC.  
CASE 19-CA-199094

DEAR (b) (6), (b) (7)(C)

The charge that you filed in this case on May 18, 2017 has been docketed as case number 19-CA-199094. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

**Investigator:** This charge is being investigated by Field Attorney HELENA A. FIORIANTI whose telephone number is (206) 220-6292. If this Board agent is not available, you may contact Deputy Regional Attorney BRIAN SWEENEY whose telephone number is (206) 220-6327.

**Right to Representation:** You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, [www.nlrb.gov](http://www.nlrb.gov), or at the Regional office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

**Presentation of Your Evidence:** As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.

**Procedures:** We strongly urge everyone to submit all documents and other materials by E-Filing (not e-mailing) through our website [www.nlrb.gov](http://www.nlrb.gov). However, the Agency will continue

to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website [www.nlr.gov](http://www.nlr.gov) or from the Regional Office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in black ink that reads "Ronald K. Hooks". The signature is written in a cursive, flowing style.

RONALD K. HOOKS  
Regional Director

UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD  
CHARGE AGAINST EMPLOYER  
FIRST AMENDED

## DO NOT WRITE IN THIS SPACE

Case  
19-CA-199094Date Filed  
6-7-2017

## INSTRUCTIONS:

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

## 1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer Leapforce, Inc. and Google, Inc., Joint Employers		b. Tel. No.
		c. Cell No.
		f. Fax No.
d. Address (Street, city, state, and ZIP code) Leapforce, Inc. 5050 Hopyard Road, Suite 425 Pleasanton, CA 94588 Google, Inc. 1600 Amphitheatre Parkway Mountain View, CA 94043	e. Employer Representative Leapforce, Inc. Daren Jackson, CEO Google, Inc. David Drummond, Chief Legal Officer	g. e-Mail
		h. Number of workers employed 1,000+
i. Type of Establishment (factory, mine, wholesaler, etc.) Office	j. Identify principal product or service Data Analysis	

k. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

## 2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

Within the past six months, the above-named Employer, by its officers, agents and representatives, discharged (b) (6), (b) (7)(C) in retaliation for (b) (6), (b) (7)(C) engaging in protected, concerted activities by, inter alia, discussing wages and other working conditions and raising those concerns with the Employer.

The Employer has also interfered with, coerced, and restrained employees from the exercise of rights protected by Section 7 of the National Labor Relations Act by misclassifying them as independent contractors.

## 3. Full name of party filing charge (if labor organization, give full name, including local name and number)

(b) (6), (b) (7)(C)

## 4a. Address (Street and number, city, state, and ZIP code)

(b) (6), (b) (7)(C)

## 4b. Tel. No.

4c. Cell No. (b) (6), (b) (7)(C)

## 4d. Fax No.

## 4e. e-Mail

(b) (6), (b) (7)(C)

## 5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)

## 6. DECLARATION

I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.

(b) (6), (b) (7)(C)

By

(signature of representative or person making charge)

(b) (6), (b) (7)(C) an Individual

(Print/type name and title or office, if any)

## Tel. No.

## Office, if any, Cell No.

(b) (6), (b) (7)(C)

## Fax No.

## e-Mail

(b) (6), (b) (7)(C)

Address (b) (6), (b) (7)(C)

(date)

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

## PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.





UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

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915 2nd Ave Ste 2948  
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June 8, 2017

DAREN JACKSON, CEO  
LEAPFORCE INC.  
5050 HOPYARD RD STE 425  
PLEASANTON, CA 94588-3394

DAVID DRUMMOND, CHIEF LEGAL OFFICER  
GOOGLE, INC.  
1600 AMPHITHEATRE PKWY  
MOUNTAIN VIEW, CA 94043-1351

Re: LEAPFORCE INC. AND GOOGLE, INC,  
JOINT EMPLOYERS  
CASE 19-CA-199094

DEAR MR. JACKSON, MR. DRUMMOND:

Enclosed is a copy of the first amended charge that has been filed in this case.

**Investigator:** This charge is being investigated by Field Attorney HELENA A. FIORIANTI whose telephone number is (206)220-6292. If the agent is not available, you may contact Deputy Regional Attorney BRIAN SWEENEY whose telephone number is (206)220-6327.

**Presentation of Your Evidence:** As you know, we seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations in the first amended charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

**Procedures:** Your right to representation, the means of presenting evidence, and a description of our procedures, including how to submit documents, was described in the letter sent to you with the original charge in this matter. If you have any questions, please contact the Board agent.

Very truly yours,

RONALD K. HOOKS  
Regional Director

Enclosure: Copy of first amended charge

cc: ELIZABETH PARRY, ESQ.  
LITTLER MENDELSON, P.C.  
1255 TREAT BLVD, SUITE 600  
WALNUT CREEK, CA 94597-7605



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June 8, 2017

(b) (6), (b) (7)(C)

Re: LEAPFORCE INC. AND GOOGLE, INC,  
JOINT EMPLOYERS  
CASE 19-CA-199094

DEAR (b) (6), (b) (7)(C) :

We have docketed the first amended charge that you filed in this case.

**Investigator:** This charge is being investigated by Field Attorney HELENA A. FIORIANTI whose telephone number is (206)220-6292. If the agent is not available, you may contact Deputy Regional Attorney BRIAN SWEENEY whose telephone number is (206)220-6327.

**Presentation of Your Evidence:** As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. If you have additional evidence regarding the allegations in the first amended charge and you have not yet scheduled a date and time for the Board agent to obtain that evidence, please contact the Board agent to arrange to present that evidence. If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed.

**Procedures:** Your right to representation, the means of presenting evidence, and a description of our procedures, including how to submit documents, was described in the letter sent to you with the original charge in this matter. If you have any questions, please contact the Board agent.

Very truly yours,

RONALD K. HOOKS  
Regional Director



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 19  
915 2nd Ave Ste 2948  
Seattle, WA 98174-1006

Agency Website: [www.nlrb.gov](http://www.nlrb.gov)  
Telephone: (206)220-6300  
Fax: (206)220-6305

September 28, 2017

ELIZABETH PARRY, ATTORNEY  
LITTLER MENDELSON, P.C.  
1255 TREAT BLVD, SUITE 600  
WALNUT CREEK, CA 94597-7605

DAVID DRUMMOND, CHIEF LEGAL OFFICER  
GOOGLE, INC.  
1600 AMPHITHEATRE PKWY  
MOUNTAIN VIEW, CA 94043-1351

Re: Leapforce Inc. and Google, Inc, Joint  
Employers  
Case 19-CA-199094

Dear Ms. Parry, Mr. Drummond:

This is to advise you that I have approved the withdrawal of the charge in the above matter.

Very truly yours,

A handwritten signature in cursive script that reads "Ronald K. Hooks".

RONALD K. HOOKS  
Regional Director

cc: DAREN JACKSON, CEO  
LEAPFORCE INC.  
5050 HOPYARD RD STE 425  
PLEASANTON, CA 94588-3394

(b) (6), (b) (7)(C)

A large black rectangular redaction box covering several lines of text.

lu